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AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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February 21, 2007

TO: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley   
Auditor-Controller

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – JANUARY  
2007 MONITORING RESULTS**

As requested, attached are the results of the Auditor-Controller (A-C) monitoring review of the County's juvenile halls for January 2007. The monitoring reviews are used to measure Los Angeles County's (County) progress in implementing the 52 recommendations (referred to as paragraphs) contained in the Department of Justice (DOJ) settlement agreement. The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ.

**Background**

In December 2004, the A-C assumed oversight responsibility of the Quality Assurance Unit (QA Unit) as directed by your Board. The QA Unit was established to conduct on-going monitoring of the County's progress implementing the paragraphs contained in the DOJ settlement agreement. The QA Unit consists of staff from the A-C, Probation Department (Probation), the Department of Mental Health (DMH), and Juvenile Court Health Services (JCHS). The QA Unit works and consults with the DOJ monitors regularly. The DOJ monitors are a group of subject matter experts designated by the DOJ to assess the County and the Los Angeles County Department of Education's (LACOE) progress to implement the 52 paragraphs.

LACOE has been designated as the lead agency for five of the 52 paragraphs and monitors their own progress implementing these paragraphs. LACOE reports are

*"To Enrich Lives Through Effective and Caring Service"*

submitted to the A-C and DOJ monitors monthly. The status of each of LACOE's paragraphs is discussed beginning on page nine of the attachment to this report.

### **Implementation Status Summary**

The compliance rate noted below for each paragraph is based on our testwork, discussions with the DOJ monitors and the compliance rates for overlapping paragraphs. For example, use of force includes Paragraphs 18, 28, 29, and 32.

As of February 1, 2007, 20 of the 52 paragraphs have been fully implemented. In addition, in January 2007, the DOJ began formal monitoring of four paragraphs (44, 52, 53, and 54). Before a paragraph is considered implemented, it must undergo formal monitoring by the DOJ monitors for one year. During the formal monitoring period, the DOJ monitors evaluate the County's compliance with the paragraphs' provisions. The DOJ will classify paragraphs as implemented if the County maintains substantial compliance with the paragraphs' provisions during the formal monitoring period.

For five of the remaining 28 paragraphs, LACOE staff monitor the implementation status. For the remaining 23 paragraphs, we noted the following:

- 5 paragraphs showed a 90% compliance rate.
- 6 paragraphs showed an 80% compliance rate.
- 9 paragraphs showed a 70% compliance rate.
- 3 paragraphs showed a less than 70% compliance rate.

Overall, the compliance rates for the 23 paragraphs did not significantly change from the compliance rates reported for December 2006 monitoring in our January 26, 2007, report. The compliance rates for paragraphs 10 and 25 dropped slightly from 83% to 77% and from 80% to 75%, respectively. The details of our January 2007 monitoring review for the 23 paragraphs and the compliance rate for each are addressed in the attached report.

### **Implementation Status of Key Paragraphs**

Based on discussions with the DOJ monitors, Probation and other members of the implementation team, we classified seven of the 23 paragraphs as key paragraphs. The paragraphs focus on the County's need to improve the provision of essential mental health services to children assigned to the juvenile halls and a reduction in the level of violence. During the month, Probation revised the dates they planned to request formal monitoring for two of the paragraphs from January 2007 to February 2007. The following are the seven paragraphs with a brief description and the current monitoring results.

**Paragraph 10:**

*The County shall develop and implement policies, procedures, and practices for mental health assessments to timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation, including potential suicidality. The County shall ensure that youth whose serious mental health and developmental disability needs cannot be met at the facility are transferred to settings that meet their needs.*

The monitoring results for the three juvenile halls showed an overall average compliance rate of approximately 77%. The compliance rate at each juvenile hall ranged from 65% to 90%.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**Targeted Date to Request Formal Monitoring: February 2007**

**Paragraph 18:**

*The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.*

There were three incidents in which the use of soft restraints were reported during our monitoring period. One incident was at Central Juvenile Hall and two were at Los Padrinos Juvenile Hall. In all three incidents the minors were in soft restraints for less than two hours. The use of the soft restraints were accordance with Probation's policy; however, the report for one of the incidents at Los Padrinos Juvenile Hall was not completed within the 48 hour timeframe mandated by Probation's policy. The report was completed within 72 hours of the incident.

During the month, Probation revised the targeted date to request formal monitoring from January 2007 to February 2007.

**Targeted Date to Request Formal Monitoring: February 2007**

**Paragraph 22:**

*The County and LACOE shall ensure that all staff assigned to the juvenile halls who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as location and use of a cut-down tool in the event of a youth's attempted hanging.*

As of January 2007, 1,454 currently assigned staff have received training. Seventy-four staff (36 Probation staff, 8 LACOE staff, 20 DMH staff and 10 JCHS staff) still need training. Probation has scheduled 10 training sessions during February 2007.

On January 18, 2007, we attended a suicide prevention class at Los Padrinos Juvenile Hall to determine if:

- The class started on time.
- The types of materials used were appropriate. (PowerPoint presentation, handouts, etc.)
- Pre and Post tests were administered and graded.
- Cut-down tool proficiency demonstration is administered.
- The attendance sheet accurately reflects the number of staff present.
- The staff attending the class stayed for the entire class.
- The course curriculum was followed by the instructors.

The class started 15 minutes late. However, all of the material was covered by the instructor during the class and the course handouts were informative. The attendance sheet accurately reported the staff in attendance and the staff stayed for the entire class. The instructor also administered the pre and post tests.

During the month, Probation revised the targeted date to request formal monitoring from January 2007 to February 2007

**Targeted Date to Request Formal Monitoring: February 2007**

**Paragraph 24:**

*The County shall ensure that licensed mental health professionals provide timely assessment and daily reassessment of youth deemed at risk for suicidal behaviors, or more frequent reassessment as appropriate, as well as appropriate follow-up assessment once youth are discharged from suicide precautions.*

Youth placed on Level III supervision must be seen by DMH staff on a daily basis. Youth placed on Level II supervision must be seen by DMH staff every three days. Our testwork noted that youth placed on Level III supervision are seen daily by DMH staff 86% of the time and youth placed on Level II supervision are seen every three days by DMH staff 92% of the time.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**Targeted Date to Request Formal Monitoring: February 2007**

**Paragraph 27:**

*The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.*

A review of Probation's January 2007 item control report identified 1302 detention services officers assigned to the three juvenile halls, a decrease of 26 detention services officers identified in Probation's December 2006 item control report.

Generally, DOJ's promotes a staffing ratio of 10 minors to 1 Probation staff. For Level III supervision, DOJ promotes a staffing ratio of 1 minor to 1 Probation staff. During January 2007, we reviewed the staffing ratios for a selected sample of living quarters and Special Handling Units at the three juvenile halls. The staffing ratios for the living quarters ranged from 11 to 17 minors to 1 Probation staff. The staffing ratios in the Special Handling Units at the three juvenile halls for Level III supervision were 1 minor to 1 Probation staff.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**Targeted Date to Request Formal Monitoring:      August 2007**

**Paragraph 28:**

*The County shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.*

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements. During the month of December 2006, nine separate incidents were reported in which staff used OC spray on minors. Four incidents occurred at Los Padinos Juvenile Hall, two incidents occurred at Central Juvenile Hall, and three incidents occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in seven of the nine incidents was appropriate. In the remaining two incidents, the Probation staff did not attempt physical intervention prior to using the OC spray as required. The Probation staff involved in the two incidents were disciplined.

One of the nine minors sprayed with OC was taking psychotropic medication. The minor was sprayed after verbal and physical intervention failed to deescalate his violent behavior. Eight of the nine youths received the appropriate medical attention within 30 minutes of being sprayed with OC. The remaining minor refused to allow medical staff to treat him.

Probation's OC Spray policy generally limits the initial use of OC spray to a one-second burst. Probation weighs the canisters containing the OC spray after each incident to track the volume of spray deployed during the incident. The weight of the canister used in one incident at Barry J. Nidorf Juvenile Hall and one incident at Los Padornos Juvenile Hall indicated the bursts of OC spray deployed may have exceeded a one-second burst or that not all incidents where OC spray was used were reported. Probation management needs to identify in the incident report the volume of OC spray deployed during the incident.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**Targeted Date to Request Formal Monitoring: February 2007**

**Paragraph 32**

*The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.*

During the monitoring period, a total of 63 use of force incidents were reported in the three juvenile halls, 22 at Barry J. Nidorf Juvenile Hall, 23 at Los Padornos Juvenile Hall and 18 at Central Juvenile Hall. Of the 63 minors involved in the uses of force, 54 (86%) received medical treatment within 30 minutes of the use of force. Of the remaining nine minors, eight received medical treatment within an hour of the use of force. The remaining minor did not receive medical treatment for two hours because the incident occurred in court and the courts do not have medical staff on site.

Probation staff did not always report the use of force to management within 48 hours of the incident as required. We sampled 30 use of force packets and noted 14 (47%) of the 30 packets were submitted for review ranging from one to twenty-two days beyond the 48 hour reporting timeline established by Probation.

**Targeted Date to Request Formal Monitoring: May 2007**

As previously indicated, the details of our January 2007 monitoring review for the 23 paragraphs and the compliance rate for each are addressed in the attached report. If

you have any questions, please contact me or have your staff call Don Chadwick at (626) 293-1102.

Attachment

JTM:MO:dc

c: David E. Janssen, Chief Administrative Officer  
Robert B. Taylor, Chief Probation Officer  
Sachi A. Hamai, Executive Officer, Board of Supervisors  
Dr. Bruce Chernof, Director, Department of Health Services  
Dr. Marvin J. Southard, Director, Department of Mental Health  
Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education  
Justice Deputies  
Children Services Deputies  
Education Deputies  
Audit Committee

**QUALITY ASSURANCE UNIT  
MONTHLY MONITORING RESULTS  
FOR JANUARY 2007**

**Scope of Review**

The paragraphs covered by this report do not include the paragraphs that have been fully implemented or paragraphs that are undergoing formal monitoring by the DOJ. As of February 1, 2007, 20 of the 52 paragraphs have been fully implemented. In addition, in January 2007, the DOJ began formal monitoring of four paragraphs (44, 52, 53, and 54). For five of the remaining 28 paragraphs, LACOE staff monitor the implementation status. Our monitoring review covered the remaining 23 paragraphs.

The compliance rate that we identified for each paragraph is based on our testwork, discussions with the DOJ monitors and compliance rate for the overlapping paragraphs. For example, the Use of Force includes Paragraphs 18, 28, 29, and 32.

**PARAGRAPH 10: Assessments**

*The County shall develop and implement policies, procedures, and practices for mental health assessments to timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation, including potential suicidal. The County shall ensure that youth whose serious mental health and developmental disability needs cannot be met at the facility are transferred to settings that meet their needs.*

**Current Compliance Rate: 77%**

**Comments:**

The monitoring results for the three juvenile halls showed an overall average compliance rate of approximately 77%. The compliance rate at each juvenile hall ranged from 65% to 90%.

**PARAGRAPH 11: Treatment Planning**

*The County shall develop and implement policies and procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms. As permitted by law, a representative of LACOE shall share information with regard to the youth's academic performance and school-related behaviors, and shall also be responsible for sharing needed information from the treatment planning process with education professionals serving those youth.*

**Current Compliance Rate: 74%**



**Comments:**

Based on documentation maintained by Probation staff, it appeared that DMH services were provided to the minors. However, the minors' case files lack adequate documentation to support the services. This issue was also noted in our prior month's monitoring report.

**PARAGRAPH 12: Case Management**

*The County shall develop and implement policies, procedures, and practices for case management, which would allow for the implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.*

**Current Compliance Rate: 47%**

**Comments:**

Generally, case plans were developed for the minors sampled. However, DMH staff did not always document whether the minors' parents were contacted by DMH, or document their follow-up contacts with the minors. This issue was also noted in our prior month's monitoring report.

**PARAGRAPH 13: Counseling Services**

*The County shall develop and implement policies, procedures and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.*

**Current Compliance Rate: 55%**

**Comments:**

The standard of practice for delivery of mental health services to children is weekly contacts with the minors by the mental health clinician. Based on other documents in the case files, it appears that DMH staff meet with the minors. However, DMH staff do not always document the contacts with the minors. Of 30 case files reviewed during our January monitoring, six case files showed weekly contacts with the minors and the remaining 24 cases averaged contacts every two weeks. This issue was also noted in our prior month's monitoring report.

**PARAGRAPH 15: Individualized Behavior Modification**

*The County shall develop and implement individualized behavior modification programs for individual youth where appropriate. If warranted, LACOE will develop and implement Behavior Support Plans which will be incorporated into youths' Individual Learning Plans. If a special education pupil requires a Behavior Support Plan or Behavior Intervention Plan, the IEP team shall include this need in the IEP.*

**Current Compliance Rate: 70%**

**Comments:**

The DOJ monitor and DMH have not developed a specific audit tool for this paragraph. The DOJ Monitor and DMH believe that the Individualized Behavior Modification Planning (IBMP) process outlined in Paragraph 33 addresses the minors' needs related to this paragraph. DMH management stated that the type of intervention addressed in this paragraph is rare and does not lend itself to regular sampling and auditing.

**PARAGRAPH 16: Substance Abuse**

*The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.*

**Current Compliance Rate: 70%**

**Comments:**

The compliance rate is based on our assessment of the initial screening process, the drug education program, and the follow-up process. Generally, the screening process is sufficient. However, the County needs to improve the drug education/drug awareness and follow up process. For example, on a voluntary basis, Atlantic Recovery, Tarzana Treatment and Narcotics Anonymous are providing treatment and counseling to the minors at the three juvenile halls. However, due to a lack of a contract, the service providers can not provide the level of service the minors require. Probation and DMH management are in the process of negotiating contracts with the above mentioned service providers.

**PARAGRAPH 18: Restraints**

*The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.*

**Current Compliance Rate: 90%**

**Comments:**

There were three incidents in which the use of soft restraints were reported during our monitoring period. One incident was at Central Juvenile Hall and two were at Los Padrinios Juvenile Hall. In all three incidents the minors were in soft restraints for less than two hours. The use of the soft restraints were within Probation's policy; however, the report for one of the incidents at Los Padrinios Juvenile Hall was not completed within the 48 hour timeframe mandated by Probation's policy. The report was completed within 72 hours of the incident.

According to Probation, the County is on schedule to request formal monitoring by the target date.

**PARAGRAPH 22: Suicide Prevention**

*The County and LACOE shall ensure that all Juvenile Hall and LACOE staff who works with youth is sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as location and use of a cut-down tool in the event of a youth's attempted hanging.*

**Current Compliance Rate: 93%**

**Comments:**

As of January 2007, 1,454 currently assigned staff have received training. Seventy-four staff (36 Probation staff, 8 LACOE staff, 20 DMH staff and 10 JCHS staff) still need training. Probation has scheduled 10 training sessions during February 2007.

On January 18, 2007, we attended a suicide prevention class at Los Padrinos Juvenile Hall to determine if:

- The class started on time.
- The types of materials used were appropriate. (PowerPoint presentation, handouts, etc.)
- Pre and Post tests were administered and graded.
- Cut-down tool proficiency demonstration is administered.
- The attendance sheet accurately reflects the number of staff present.
- The staff attending the class stayed for the entire class.
- The course curriculum was followed by the instructors.

The class started 15 minutes late. However, all of the material was covered by the instructor during the class and the course handouts were informative. The attendance sheet accurately reported the staff in attendance and the staff stayed for the entire class. The instructor also administered the pre and post tests.

**PARAGRAPH 23: Sharing of Information**

*The County and LACOE shall develop and implement policies, procedures, and practices to ensure that arresting officers, probation, medical, education, and mental health staff share appropriate information regarding potentially suicidal or self-harming youth. The County shall ensure that appropriate outside officials and family members are notified following a suicide attempt.*

**Current Compliance Rate: 90%**

**Comments:**

We reviewed approximately 350 recently submitted Screening Forms at the three juvenile halls. Generally, Probation staff completed the Screening Forms. However, Probation intake staff were not consistently placing their initials, date and time on the

forms. On February 1, 2007, Probation management issued a memorandum instructing Probation intake staff how to process the Screening Forms that include the importance of initialing and dating the completed forms.

Representatives from Probation, JCHS, DMH and LACOE continue to meet weekly via the IBMP Committees at each juvenile hall. Minors who exhibit potentially suicidal or self-harming behavior are discussed with input from each agency. Rosters and minutes are maintained. Self-harm logs are maintained daily at each facility, noting each minor who is on a Level II or Level III supervision status. Probation and DMH reconcile the lists daily to ensure that all potentially self-harming minors are tracked.

#### **PARAGRAPH 24: Assessment**

**Criteria:** *The County shall ensure that licensed mental health professionals provide timely assessment and daily reassessment of youth deemed at risk for suicidal behaviors, or more frequent reassessment as appropriate, as well as appropriate follow-up assessment once youth are discharged from suicide precautions.*

**Current Compliance Rate: 89%**

**Comments:**

Youth placed on Level III supervision must be seen by DMH staff on a daily basis. Youth placed on Level II supervision must be seen by DMH staff every three days. Our testwork noted that youth placed on Level III supervision are seen daily by DMH staff 86% of the time and youth placed on Level II supervision are seen every three days by DMH staff 92% of the time. As a result, the average compliance rate for the paragraph equated to 89%.

#### **PARAGRAPH 25: Management of Suicidal Youth**

**Criteria:** *The County and LACOE shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs (County) and, if needed, creation for a youth of a Behavior Support Plan or a Behavior Intervention Plan (LACOE), and decisions about appropriate clothing, bedding, and housing (County).*

**Current Compliance Rate: 75%**

**Comments:**

Probation staff are providing adequate supervision of youth exhibiting suicidal behaviors. The IBMP committees are reviewing self-harm incidents. A policy requiring building supervisors to promptly review and evaluate attempted suicides that occur in their units is being drafted and was forwarded to the DOJ monitors for review at the end of January 2007. The policy will also require a tracking system so that all incidents are

assigned a unique identifier, i.e., identifying sequential numbers, and are properly reported, routed, and maintained in a centralized location.

Each minor placed on Level III supervision must have an Enhanced Supervision Observation form initiated and maintained on each shift during their length of assignment to Level III supervision status. The minor's behavior and the Probation staff's observations must be documented on this form at least once every four hours.

During our January 2007 review, nine Level III Enhanced Supervision Observation forms at Central Juvenile Hall and twenty-five at Barry J. Nidorf Juvenile Hall were missing. In addition, some of the forms at Barry J. Nidorf Juvenile Hall were not complete, i.e., supervisors' signatures were missing, and a four hour incremental observation was not documented.

We reviewed the minutes of the IBMP meetings and noted that all of the self harm incidents that occurred during the month were reviewed and classified by the committee.

#### **PARAGRAPH 26: Care for Self – Harming Youth**

**Criteria:** *The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm and appropriate access to hospital services and specialized residential facilities.*

**Current Compliance Rate: 95%**

**Comments:** Each juvenile hall must maintain a Mental Health Psychiatric Hospital log, indicating minors requiring transfer to a higher level of care and a Transportation log documenting minors transferred to a higher level of care. We reviewed the Mental Health Psychiatric Hospital log and the Transportation log at each juvenile hall and noted they were current and accurate. In January 2007, one of the DOJ monitors with co-responsibility for Paragraph 26 indicated that the physical plant issues related to the paragraph are in substantial compliance.

#### **PARAGRAPH 27: Staffing**

**Criteria:** *The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully*

**Current Compliance Rate: 80%**

**Comments:**

A review of Probation's January 2007 item control report identified 1302 detention services officers assigned to the three juvenile halls, a decrease of 26 detention services officers identified in Probation's December 2006 item control report.

Generally, DOJ's promotes a staffing ratio of 10 minors to 1 Probation staff. For Level III supervision, DOJ promotes a staffing ratio of 1 minor to 1 Probation staff. During January 2007, we reviewed the staffing ratios for a selected sample of living quarters and Special Handling Units at the three juvenile halls. The staffing ratios for the living quarters ranged from 11 to 17 minors to 1 Probation staff. The staffing ratios in the Special Handling Units at the three juvenile halls for Level III supervision were 1 minor to 1 Probation staff.

#### **PARAGRAPH 28: Chemical Restraint**

*The county shall develop and implement policies, procedures, and practices to restrict the use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent whenever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.*

#### **Current Compliance Rate: 80%**

##### **Comments:**

Oleoresin capsicum, "pepper spray," is a pepper based non-lethal chemical restraint. Minors who are sprayed with OC spray are to be decontaminated by flushing the sprayed area with cold water. Probation developed policies governing the use of OC spray that conform to the above requirements. During the month of December 2006, nine separate incidents were reported in which staff used OC spray on minors. Four incidents occurred at Los Padrinios Juvenile Hall, two incidents occurred at Central Juvenile Hall, and three incidents occurred at Barry J. Nidorf Juvenile Hall. According to the investigation reports, the use of OC spray in seven of the nine incidents was appropriate. In the remaining two incidents, the Probation staff did not attempt physical intervention prior to using the OC spray as required. The Probation staff involved in the two incidents were disciplined.

One of the nine minors sprayed with OC was taking psychotropic medication. The minor was sprayed after verbal and physical intervention failed to deescalate his violent behavior. Eight of the nine youths received the appropriate medical attention within 30 minutes of being sprayed with OC. The remaining minor refused to allow medical staff to treat him.

Probation's OC Spray policy generally limits the initial use of OC spray to a one-second burst. Probation weighs the canisters containing the OC spray after each incident to track the volume of spray deployed during the incident. The weight of the canister used in one incident at Barry J. Nidorf Juvenile Hall and one incident at Los Padrinios Juvenile Hall indicated the bursts of OC spray deployed may have exceeded a one-second burst or that not all incidents where OC spray was used were reported.

Probation management needs to identify in the incident report the volume of OC spray deployed during the incident.

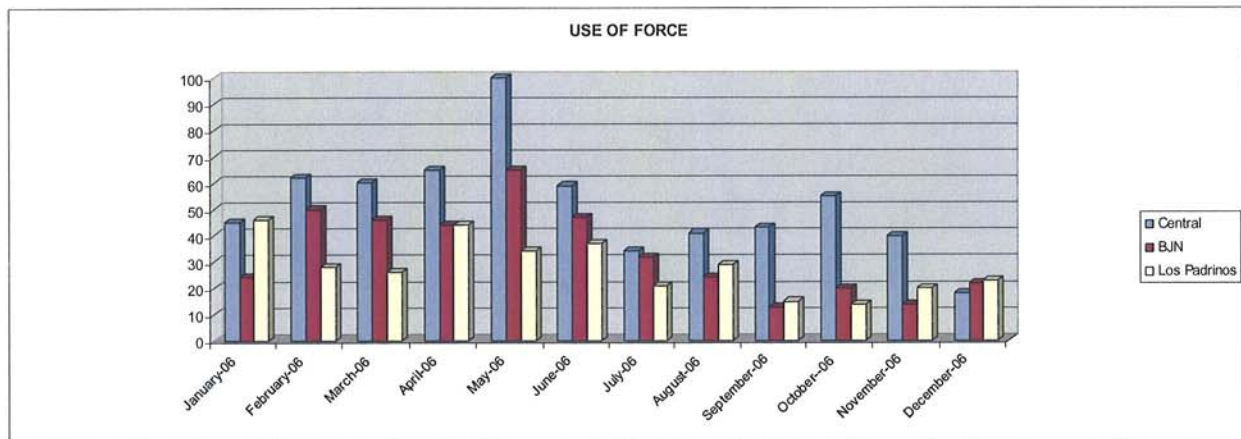
### PARAGRAPH 29: Use of Force

*The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.*

**Current Compliance Rate: 95%**

#### Comments:

The Probation Department has trained its employees in "Safe Crisis Management," which emphasizes programming and de-escalation techniques. The training also included the proper use of physical and chemical restraints. Based on the number of reported incidents, it appears that the use of force has declined over the last six months of 2006, as depicted in the chart below.



In the past, the DOJ monitor stated that DOJ will not grant formal monitoring for Paragraph 29 until the related Paragraphs, 18, 28 and 32, are also ready for formal monitoring. During January 2007, the DOJ monitor indicated to the project manager that DOJ will consider formal monitoring for each paragraph separately based on each paragraph's merit.

### PARAGRAPH 31: Child Abuse Investigation

*The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse.*

**Current Compliance Rate: 50%**

**Comments:** Probation's Child Abuse Investigation Unit (Unit) consists of five investigators. The Unit rarely closes a case within the 30 day time frame as required.

During our current monitoring review, we reviewed 16 cases that were opened during November and December 2006. As of January 31, 2007, 11 of the 16 cases were still opened. The Unit has a total of 16 open cases. Two of the 16 have been open for over 90 days.

The Child Abuse Investigation Unit staff did not provide an explanation as to why the cases were not being closed within the timeframe established by the Department. In addition, Probation recently requested County Counsel to identify an individual to serve as an independent counsel to staff an "Office of Independent Review" within Probation.

### **PARAGRAPH 32: Use of Force Review**

*The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.*

**Current Compliance Rate: 80%**

#### **Comments:**

During the monitoring period, a total of 63 use of force incidents were reported in the three juvenile halls, 22 at Barry J. Nidorf Juvenile Hall, 23 at Los Padornos Juvenile Hall and 18 at Central Juvenile Hall. Of the 63 minors involved in the uses of force, 54 (86%) received medical treatment within 30 minutes of the use of force. Of the remaining nine minors eight received medical treatment within an hour of the use of force. The remaining minor did not receive medical treatment for two hours because the incident occurred in court and the courts do not have medical staff on site.

Probation staff did not always report the use of force to management within 48 hours of the incident as required. We sampled 30 use of force packets and noted 14 (47%) of the 30 packets were submitted for review ranging from one to twenty-two days beyond the 48 hour reporting timeline established by Probation.

### **PARAGRAPH 33: Rehabilitation and Behavioral Management**

*The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County and LACOE shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.*

**Current Compliance Rate: 70%**

#### **Comments:**

IBMP and Interagency meetings are held weekly. As part of our February 2007 monitoring, we will randomly attend one IBMP meeting a month to determine whether protocols and processes utilized at each facility are consistently applied. The EXCEL



program is a complex program and is not yet being administered uniformly among the three juvenile halls.

The County has determined that the Life Enhancement and Assessment of Personal Skills (LEAPS) programs will facilitate counseling of minors more effectively than EXCEL and plans to replace EXCEL with LEAPS. On January 22, 2007, LEAPS was implemented at all three juvenile halls. We will closely monitor the progress of LEAPS during our future reviews.

### **PARAGRAPH 35: Reduce Youth and Youth Violence**

*The County and LACOE shall develop and implement strategies for reducing youth on youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.*

**Current Compliance Rate: 80%**

**Comments:**

The overall incidents of youth on youth violence in the three juvenile halls decreased to 133 incidents in December 2006 compared to 185 incidents in November 2006. Over the last twelve months, the juvenile halls have experienced a reduction in youth on youth violence. It appears that youth on youth violence is tied directly to levels of Probation staff and their training. As Probation continues to increase the number of trained staff at the juvenile halls, a continued reduction of youth on youth violence should result. In addition, minors involved in three or more incidents are being referred to IBMP for review.

### **PARAGRAPH 41: Medical Records Transfer**

*The County shall develop and implement an effective system for transferring medical records from one facility to another so that youth receive timely and consistent medical services.*

**Current Compliance Rate: 75%**

**Comments:**

Medical records are being transferred manually from one juvenile hall to another in a timely manner and medical staff are documenting when medical records are sent or received. Probation and JCHS managers are meeting monthly to gather information and select an appropriate electronic medical record system that will meet the needs of JCHS staff. Probation and JCHS have not yet identified an electronic medical record system or a planned implementation date. However, Probation and JCHS are considering the feasibility of using a system that the Los Angeles County Sheriff's Department has in place in the County Jail.

**PARAGRAPH 45: Hygiene**

*The County shall ensure that medical and pharmaceutical areas are maintained hygienically, and shall establish an infection control program.*

**Current Compliance Rate: 70%**

**Comments:**

During our monthly monitoring, we inspected approximately six living quarters used by minors, two examination rooms, two restrooms, two storage rooms, a nurse's station and a physician's office at each juvenile hall. The sanitary conditions of the medical modules at Los Padrinos and Central Juvenile Halls have greatly improved. However, the condition at Barry J. Nidorf Juvenile Hall medical module has not improved. The medical module, examination areas, and rest rooms, were not clean. The floors were dirty and missing tiles. The toilet in the boy's restroom was leaking and the water temperature of the showers and the hand washing sink was cool to cold. Nursing staff reported that the custodial staff did not clean the minors' rooms in the medical modules after the rooms were vacated. Consequently, Probation would house minors in rooms that had not been properly sanitized.

To achieve formal monitoring on Paragraph 45, Probation needs to amend their contracts with the vendors providing custodial services to the three halls to ensure the services meet the needs of the medical staff. Probation must also monitor the contracts with the custodial services.

Although DOJ approved the action plans and audit tools for this review in September 2005, the primary DOJ monitor for this paragraph requested a revision to the audit tool for this paragraph to ensure a more objective review. The DOJ monitor approved the revised audit tool on January 26, 2007, and we are using the approved tool to conduct our monthly audits.

**PARAGRAPHS 46 to 50**

Paragraphs 46 through 50 are audited by LACOE's internal auditors under the supervision of LACOE management. The anticipated formal monitoring dates are based on the dates identified in the Department of Justice Settlement Agreement Extension – Leadership and Oversight Responsibility Report, dated January 4, 2007.

**PARAGRAPH 46: Special Education**

*The County and LACOE shall develop and implement a systematic, comprehensive process to locate, screen, identify and provide appropriate services to all youth through age 21 with disabilities who require special education services.*

**Targeted Date to Request Formal Monitoring: August 2007**

**PARAGRAPH 47: Related Services**

*LACOE shall provide related services to special education students with needs for these services.*

**Targeted Date to Request Formal Monitoring: June 2007**

**PARAGRAPH 48: Parent Participation**

*The County and LACOE shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.*

**Targeted Date to Request Formal Monitoring: April 2007**

**PARAGRAPH 49: Transition Planning and Services**

*The County and LACOE shall provide adequate transition planning and services for all eligible youth with disabilities.*

**Targeted Date to Request Formal Monitoring: April 2007**

**PARAGRAPH 50: Materials, Space and Equipment**

*The County and LACOE shall ensure that all classes, including those held inside residential units, have appropriate materials, space and equipment.*

**Targeted Date to Request Formal Monitoring: April 2007**

**PARAGRAPH 55: Youth Hygiene**

*The County and LACOE shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products. The county shall ensure that youth have adequate linens, bedding and clothing.*

**Current Compliance Rate: 70%**

**Comments:**

Paragraph 55 is audited by Probation's Management Services Bureau (MSB) auditors. We review MSB's audit on a monthly basis. The percentage of compliance is based on the MSB auditors' reports and our discussions with the DOJ monitor.

During our review we conducted walk-through inspections of the living quarters, supply rooms and laundry at all three juvenile halls. We interviewed Probation staff and inspected MSB's documentation related to inventories for clothing, hygiene items and cleaning supplies. We noted that the living quarters were in good condition, the supply

rooms were adequately stocked and the laundries were clean. MSB's documentation was in order.

### **PARAGRAPH 56: System**

*The County and LACOE shall revise and/or institute quality assurance system to ensure implementation of the provisions addressed in this Agreement.*

**Current Compliance Rate: 85%**

**Comments:**

The County has made a significant commitment of resources and personnel establishing a quality assurance program for the three juvenile halls. Data is being gathered in a variety of areas. Additionally, staff are completing periodic compliance audits at the juvenile halls.

MSB has developed and completed all but one audit tool for Paragraphs 51 to 55 with the assistance of the DOJ Monitor. The final auditing tool is being developed from the modifications to paragraph 55, implementation of the fire safety program, and the reworking of the paragraph 45 sanitation auditing tool.